

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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YOUSIF H. HALLOUM and IMAN Y.
HALLOUM,

Plaintiffs,

v.

CALIBER HOME LOANS; FAY
SERVICING; RED ROCK FINANCIAL;
ASSESSMENT MANAGEMENT SERVICES;
CAMCO HOMEOWNERS ASSOCIATION
MANAGEMENT; LEVEL COMMUNITY
MANAGEMENT; AMERICAN RECOVERY
SERVICES; and TERRAWEST
MANAGEMENT SERVICERS.

Defendants.

Case No. 2:22-cv-01787-JAD-EJY

ORDER

Pending before the Court is Plaintiffs' Emergency Motion for Time Extension to Serve Summons to Parties Listed in Doc. No. 65. ECF No. 85.

The Court notes that the Notice issued by the Clerk of Court in ECF No. 65 was filed on February 17, 2023. The Notice gave Plaintiffs through March 19, 2023 to effect service on Assessment Management Services, Association Recovery Services, Fannie Mae, and U.S. Bank Trust, N.A. (the "Unserved Defendants"). Plaintiffs do not explain what they did during this more than 30 day period in an attempt to prefect service. Instead, they now file a third request for extension of time to accomplish service.

Despite their *pro se* status, Plaintiffs must comply with the Federal Rules of Civil Procedure. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987). Plaintiffs initiated this case on October 26, 2022 (ECF No. 4) and, to date, have not served the Unserved Defendants. Rule 4(m) of the Federal Rules of Civil Procedure require service of named parties within 90 days of the filing of the Complaint. *Id.* ("If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time."). Ninety days after Plaintiffs

1 initiated this case was February 23, 2023. Today is March 22, 2023, and the evidence before the
2 Court demonstrates service has not been attempted on the Unserved Defendants.

3 Plaintiffs are advised that the Court exercises its inherent authority under Rule 4(m) to extend
4 the date by which service must be accomplished. Plaintiffs are given through and including **April**
5 **30, 2023** to accomplish service. If service has not been effected as to the Unserved Defendants by
6 or before that date, the Court will recommend dismissal without prejudice of these Defendants.

7 With respect to Plaintiffs' allegation that Defendants "are taking advantage of Plaintiffs who
8 are pro se," the Court rejects this unsupported contention. Counsel for the served parties are officers
9 of the Court. The Court will not entertain unsupported allegations of unprofessional conduct by such
10 counsel.

11 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' Emergency Motion for Time
12 Extension to Serve Summons to Parties Listed in Doc. No. 65 (ECF No. 85) is GRANTED in part
13 and DENIED in part.

14 IT IS FURTHER ORDERED that Plaintiffs are granted **one** additional extension of time, to
15 and including **April 30, 2023**, to effect service on Assessment Management Services, Association
16 Recovery Services, Fannie Mae, and U.S. Bank Trust, N.A.

17 IT IS FURTHER ORDERED that if Assessment Management Services, Association
18 Recovery Services, Fannie Mae, and U.S. Bank Trust, N.A. are not served by or before **April 30,**
19 **2023**, the Court will recommend dismissal without prejudice of these defendants.

20 IT IS FURTHER ORDERED that Plaintiffs' allegations that they are being treated
21 unprofessionally by counsel for the served Defendants is rejected as unsupported.

22 Dated this 22nd day of March, 2023.

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25 ELAYNA J. YOUCHAK
26 UNITED STATES MAGISTRATE JUDGE
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